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**Technology Center 2600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 10

Application Number: 09/359,152

Filing Date: July 22, 1999

Appellant(s): PATTON ET AL.

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Marc A. Rossi  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/14/03.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-5 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

5,974,401 Enomoto et al. 10-1999

## **(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5 are rejected under 35 U.S.C. 102(e). This rejection is set forth in prior Office Action, Paper No. 7.

### **(11) Response to Argument**

In response to Appellant's argument Emomoto would not have anticipated claim 1 because it would not have disclosed the displayed digital image to determine whether its contents are acceptable for making postage stamp images, the Examiner respectfully disagrees.

The Appellant argues that receiving agency examines the digital image to determine whether the image is suitable (not offensive in nature or not) for postage stamps. Applicant argues that Enomoto discloses observing the image data to make corrections to make the image acceptable for printing and does not disclose examining the displayed digital image to determine whether its contents are acceptable for making postage stamp images.

It is inherently taught by Enomoto to observe the contents of the image for acceptability as evidenced by the fact that Enomoto allows the operator to view the image on a display to make corrections (col 8, lines 60-65).

For the above reasons, it is believed that the rejections should be sustained.

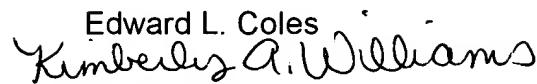
Respectfully submitted,

  
Twyler M. Lamb  
Examiner  
Art Unit 2622



TML  
February 9, 2004

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